ADMINISTRATIVE PANEL DECISION
Marwan El-Rukby v. Qiang Gao
Case No. D2026-2943

1. The Parties

The Complainant is Marwan El-Rukby, United States of America ("United States"), self-represented.

The Respondent is Qiang Gao, New Zealand.

2. The Domain Name and Registrar

The disputed domain name <teachecker.net> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 3, 2026. On July 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 7, 2026, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name which differed from the named Respondent ("Registrant of *teachecker.net* (privacy-shielded)") and contact information in the Complaint. The Center sent an email communication to the Complainant on July 7, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on July 8, 2026

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 9, 2026. The Respondent having been granted an automatic four-day calendar extension pursuant to the Rules, paragraph 5 (b), the due date for Response was August 2, 2026. The Response was filed with the Center on August 1, 2026. The Complainant filed a Supplemental Filing on August 14, 2026.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on August 18, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

There is a social media app called the Tea app which can be found online at "www.teaforwomen.com". It is headed "the whisper network at full volume and describes itself as 'girls looking out for girls …' The application encourages women to share stories, anonymously, about heartbreaks, landlord dramas, jobs that burn you, products that deliver, trips worth taking". Then, other members can anonymously input a name, a telephone number or the like and find out what, if anything, other members claim to have experienced about the relevant details. The service also has a downloadable app, which reached #1 on the United States Apple App Store in July 2025 and reported roughly four million users.

On August 9, 2025, the Complainant registered the domain name <teachecker.com>. Shortly thereafter, that domain name began resolving to a website. The website is headed "Find out – discreetly – if you're on the *Tea* app". A customer enters details of a name, city, photo, handle, age or phone number (often their own), pays USD 15 via Stripe and then receives within 24 hours a report with one of three results: found (on Tea), not found (on Tea) or possible profiles if not completely certain.

The Complainant promoted his new service with a video on TikTok, posted on August 11, 2025. Since then, there have been more than 807,400 views of the video. The video features "www.teachecker.com" prominently. Between August 2025 and February 2026, the Complainant's service generated just over USD 39,000 in gross revenues. The Complainant states that equates to thousands of customers. The Complainant paid USD 333.00 for a first TikTok advertising campaign in August 2025 and USD 1,375.88 for a second TikTok advertising campaign in September 2025.

On December 24, 2025, the Complainant applied to register TEACHECKER as a trademark in the United States in respect of software as a service (SaaS) services featuring software for verify online information, Serial No. 99565622. The application claimed first use in commerce on August 9, 2025. On May 5, 2026, however, a nonfinal Office Action was issued refusing the application on the grounds that the specimen of use supplied did not demonstrate actual use as SaaS in International Class 42. Instead, the specimen demonstrated use as a service being provided to customers.

At the time this Decision is being prepared, the United States Patent and Trademark Office website records the status of the application as "Dead Abandoned" and states "Abandoned because the applicant failed to respond or filed a late response to an Office action."[1]

According to the WhoIs record, the disputed domain name was created on January 7, 2026.

The disputed domain name resolves to a website which under a header featuring a cup with a teabag tag over the side next to "Tea checker" states "Tea checker lookup See what is being said about you".
The website identifies the same three-step process to "[f]ind out what the Tea community has shared about you". The wording describing the steps is similar but not exactly the same including under "2 Pay securely" "Checkout once via Stripe. Your request stays private and confidential" and under "3. Get verified results" "We confirm matches and email Found, Not Found, or Possible Match with screenshots when possible". According to the screenshot of the website included in the Complaint, the Respondent's service had over 54,000 customers.

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[1] Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1]()") section 4.8.

The Respondent appears to also have registered the domain name <teachecker.io>, which is not the subject of the Complaint. In addition, on July 10, 2026 (the day after notification that the proceedings had commenced), the Respondent registered the domain name <teaaboutme.com>. On July 11, 2026 he configured the disputed domain name to redirect to it. The domain name <teaaboutme.com> now resolves to the website to which the disputed domain name formerly resolved and the disputed domain name redirects to that website.

5. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of a disputed domain name, the Complainant must demonstrate each of the following:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

In the exercise of the powers under paragraphs 10 and 12 of the Rules, the Panel admits the Complainant's unsolicited Supplemental Filing. The material in it is relevant and responds to matters raised for the first time in the Response, including conduct occurring after the Complaint was filed. It was transmitted to the Respondent, who did not seek to reply to it. WIPO Overview 3.1, section 4.6.

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview 3.1, section 1.7.

The Complainant does not rely on a registered trademark but claims that through use he has developed rights in TEACHECKER as an unregistered trademark.

The Respondent disputes that the Complainant has demonstrated sufficient source-identifying capacity to sustain this claim. According to the Respondent, the disputed domain name is composed of two ordinary dictionary words and is directly descriptive of the service being provided. The Respondent further challenges the sufficiency of the evidence which has been supplied; both whether the Complainant's claims have been sufficiently verified and, even if accepted, their adequacy to establish rights as an unregistered trademark in a descriptive term. For example, the Respondent says:

"[The Complainant] does not supply a transaction list, customer count, product attribution, geographic reach, or evidence that buyers perceived TEACHECKER as a source identifier. It also does not isolate the portion earned before January 7, 2026."

For these reasons, the Respondent also says the Complainant's claims of 20,000+ users by May 2026 should also not be accepted.

For the purposes of this requirement under the Policy, it is necessary only that the Complainant establish he has acquired trademark rights when the Complaint is filed. See *e.g.* WIPO Overview 3.1, section 1.1.3.

The Panel accepts that "tea checker" has an aptness for a service of the kind the Complainant provides. "Teachecker" as a single, closed compound is not, however, an ordinary English expression. Indeed, the Panel notes that the United States Patent and Trademark Office ("USPTO") did not raise a descriptiveness objection to the Complainant's trademark application (although the application was in respect of SaaS services in International Class 42). Moreover, as the Complainant points out in the Supplemental Filing, the Respondent's exhibit R-2 showing Google trends shows that for the search terms "tea checker" a number of different terms have been in use with the top three both worldwide and in the United States being "tea app", "tea app checker" and "tea checker app". Further, there was essentially no, or very little, search interest in "tea checker" or "teachecker" until just before December 2025, when there was a marked spike. In addition, under "Rising queries", "teachecker" (as one word) was ranked as a "Breakout" term both worldwide and in the United States.

Google Trends describes a "Breakout" term as one whose search volume has grown by more than 5,000 per cent compared with the previous period. The label reflects the rate of growth from a very low base rather than absolute search volume.

This development appears to have occurred just before the Respondent registered the disputed domain name on January 7, 2026.

On January 15, 2026, the Complainant's service was referenced in a *Wired* article: Jason Parham, "The Tea App is Back with a New Website".[2] The reference to the Complainant's service was hyperlinked to the Complainant's website.

In these circumstances, the Panel finds that the Complainant has proven sufficient use and reputation in TEACHECKER to have acquired rights in that term as an unregistered trademark for the purposes of the Policy.

In comparing the disputed domain name to the Complainant's trademark, it is permissible in the present circumstances to disregard the generic Top-Level Domain ("gTLD") component as a functional aspect of the domain name system. WIPO Overview 3.1, section 1.11.

Disregarding the ".net" gTLD, therefore, the disputed domain name consists of the Complainant's unregistered trademark only. Accordingly, the Panel finds that the Complainant has established that the disputed domain name is identical with the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

(i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or

(ii) [the Respondent] (as an individual, business, or other organization) ha[s] been commonly known by the [disputed] domain name, even if [the Respondent] ha[s] acquired no trademark or service mark rights; or

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[2] "www.wired.com/story/the-tea-app-is-back-with-a-new-website/"

(iii) [the Respondent] [is] making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. WIPO Overview 3.1, section 2.1.

There is no dispute between the Parties that:

(1) The Respondent registered the disputed domain name after the Complainant began using his trademark;

(2) The Respondent is not affiliated with the Complainant;

(3) The Complainant has not otherwise authorised the Respondent to use the disputed domain name;

(4) The disputed domain name is not derived from the Respondent's name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived.

These factors are usually sufficient to establish a prima facie case that the Respondent does not have rights or legitimate interests in a disputed domain name.

The Respondent points out that he has developed a consumer facing website providing a service. It is not a parked page or a domain for sale page. Again, the Respondent also contends that the name "teachecker" is descriptive of the service being offered and points to the somewhat different layout of the website and the overall presentation. Acknowledging that there are some differences in layout and terminology, nonetheless the Respondent adopted a domain name identical to the Complainant's TEACHECKER mark for a directly competing service. The Respondent's website used the exact same page-title wording ("Tea checker Discreet Tea App Profile Lookup in 24 Hours"), adopted the identical three step process as the Complainant's service including the same three available results, the same Stripe payment mechanism and requested the same categories of identifying information. While some of those features may be functional, as the Respondent claims, their combination with the identical domain name and page title supports the inference that the Respondent was targeting the Complainant rather than merely selecting the terms for their descriptive meaning.

The Panel also notes that the Respondent registered the disputed domain name just after the massive spike in Google Trends already referred to. In addition, the Respondent does not specifically deny knowledge of the Complainant's service and its name.

Save for the gTLD, the disputed domain name and the name of the Respondent's service are identical to the Complainant's domain name and unregistered trademark. Accordingly, there is a very high risk of confusion.

Annexure R-3 to the Response includes a comparison page from the Complainant's website purporting to compare the Complainant's service, the Respondent's service and a Teachecker.app. The page accords the Respondent's service (identified as "Teachecker.net") a High trust rating. As the Respondent acknowledges, this does support the claim that the Respondent is offering a genuine service. However, even if the service is genuine, the issue in these proceedings is the use of the disputed domain name in association with that service. The question here is whether or not the Respondent has a right or legitimate interest in using in connection with his service a disputed domain name which has the potential to cause confusion with the Complainant's trademark.

In the Complaint, the Complainant points to a number of instances of what it says are instances of actual confusion. The Respondent disputes this claim partly on the basis that the Complainant has not submitted the emails themselves but also on the basis that some of the instances (at least) relate to requests to cancel subscriptions and, the Respondent says, his service requires a one-time payment.

While the Complainant's supplemental filing indicates that the relevant Wayback Machine captures have been archived, they have not been included in the Supplemental Filing. In view of the conclusion the Panel has reached on this element of the Policy, it is not necessary for the Panel to pursue this issue further.

Accordingly, the Panel is not prepared to find there have been instances of actual confusion. That said, for the reasons already explained, the Panel considers there is a very high risk of potential for confusion, arising from the nature of the disputed domain name and exacerbated by the manner of its use. Given the high risk of confusion and the likelihood that the Respondent was well aware of this when adopting the disputed domain name, the Panel finds the Complainant has established the second requirement under the Policy also.

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g. *Group One Holdings Pte Ltd v. Steven Hafto,* WIPO Case No. D2017-0183.

For the reasons discussed in Section 5B above, the Panel considers it likely that the Respondent was aware of the Complainant and its trademark when registering the disputed domain name, all the more so as the disputed domain name was registered so soon after the Breakout spike in Google searches. In those circumstances, it also seems likely that the Respondent would have realised there was a real potential for confusion. The Respondent does not claim that he did not think there was any risk of confusion and such a claim would be very hard to accept given the identity of the trademark and the disputed domain name.

In those circumstances, the Panel finds that proceeding to register a disputed domain name which was identical to the Complainant's trademark with that awareness constitutes registration in bad faith under the Policy.

The Respondent's website did include a disclaimer: "TeaChecker.net is an independent tea lookup platform and is not affiliated with TeaChecker.com or any similarly named service." It was in the footer beneath the copyright notice and in smaller type. It cannot be described as prominent or likely to come to a user's attention.

Accordingly, the Complainant has established all three requirements under the Policy.

6. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <teachecker.net> be transferred to the Complainant.

/Warwick A. Rothnie/
Warwick A. Rothnie
Sole Panelist
Date: September 2, 2026